

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 566 - SB 1087

April 26, 2021

SUMMARY OF ORIGINAL BILL: Deletes the requirement that review of a declaratory order or declaratory judgement brought against a state agency to determine the validity or applicability of a statute, rule, or order must be held in the Chancery Court of Davidson County.

Authorizes the Joint Government Operations Committee (Committee) to request an agency to repromulgate a rule that has been in existence for eight or more years or to repeal a rule deemed obsolete by the Committee. Authorizes the Committee to vote to request to suspend the agency's rulemaking authority for any reasonable period of time if the agency fails to repromulgate the rule. Establishes that all rules filed with the Secretary of State on or after July 1, 2021 expire eight years from their effective date.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (005493, 005728): Amendment 005493 deletes all language after the enacting clause. Requires a state agency that has rules promulgated for over eight years to submit a report by December 1, 2023, and every eight years thereafter, to the Chair of the Joint Government Operations Committee (Committee) containing: a description of the operations that the rules affect; the rule's administrative history and the reason the rule is currently promulgated; and a determination if the rule should be amended, reviewed further, and is current with state and federal standards. Authorizes the Committee to vote to request the General Assembly repeal the rule or suspend the agency's rulemaking for a period of time, by legislative enactment, if the agency makes a false statement in the report.

Amendment 005728 adds language to the bill as amended by amendment 005493 to establish that an agency must intentionally make a false statement in the report in order for the Committee to vote to request the General Assembly repeal the agency's rulemaking.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Each state agency that has had rules promulgated for over eight years can provide a report under the provisions of the proposed legislation on an eight-year basis within existing resources.
- The Committee meets throughout the year; therefore, no additional travel reimbursement or resources will be necessary to review the submitted reports.
- As the first report will be due by December 1, 2023, and every eight years thereafter on December 1, it is assumed that the General Assembly will be in session for any necessary review or legislative enactment regarding agency rulemaking subsequent to an intentional false report.
- No significant fiscal impact to state or local government.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Two handwritten signatures of Krista Lee Carsner, one above the other, in black ink.

Krista Lee Carsner, Executive Director

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